

REMARKS

Reconsideration of this application is respectfully requested. Claims 1 to 55 have been canceled and new claims 56 to 80 have been added. As such, claims 56 to 80 are in this application and are presented for the Examiner's consideration in view of the following comments.

The specification has been amended to provide a reference to related, copending, applications.

New claims 56 to 80 comprise three independent claims: 56, 65 and 73. Independent claim 56 is similar to claim 1 (now canceled) except that new claim 56 focuses only on a method for use in a transmitter and any previous requirements with regard to a receiver have been deleted. In addition, new claim 56 also includes the requirements of dependent claim 2 (now canceled). New claim 65 is similar to claim 31 (now canceled) and also includes the requirements of dependent claim 36 (now canceled). Finally, new claim 73 is a method claim version of new claim 65.

Claims 1-5, 11-12, 17-21, 26, 31-36, 41, 43-46, 47-48 and 53 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,535,717 issued March 18, 2003 to Matsushima et al. (*Matsushima*). Applicants respectfully disagree.

At the outset, it should be noted that Applicants have realized a problem in Staggercasting systems. In particular, during a long fade, switching from one received coded signal to another can generate objectionable artifacts since the switch may take place in the middle of a coded segment. (Applicants' specification, p. 2, ln. 27 to p. 3, ln. 9.) As such, Applicants' have addressed this problem by using different source encoding techniques as required by Applicants' independent claims.

In contrast, nowhere does *Matsushima* describe the problem addressed by Applicants. Indeed, nowhere does *Matsushima* describe, or suggest, Applicants' claimed invention as required by Applicants' independent claims 56, 65 and 73.

In particular, *Matsushima* does not appear to describe, or suggest, encoding the signal to generate "Independent decoding segments" of the respective encoded signals, as required by Applicants' independent claims.

Indeed, nowhere does *Matsushima* describe successive independent decoding segments as required by Applicants' claims. As such, it is respectfully submitted that *Matsushima* does not describe, or even remotely suggest, this feature of Applicants' claimed invention.

Finally, it is important to note that *Matsushima* only describes the use of separate encoders. There is no statement in *Matsushima* that the signals are encoded differently. Indeed, *Matsushima* suggests they are the same type of encoding. (*Matsushima*, col. 9, lns. 35 – 39.) Regardless, Applicants' independent claims particularly require:

encoding a second signal representing the content for generating a second encoded signal comprising successive independent decoding segments respectively corresponding to the independent decoding segments of the first encoded signal; and wherein the encoding used for said second signal is different from the encoding used for said first signal.

Since the *Matsushima* does not even describe successive independent decoding segments, it is simply not possible for *Matsushima* to describe, or suggest, this requirement of Applicants' claimed invention.

However, and in the interests of furthering prosecution, Applicants have amended the independent claims to include the requirements of previous dependent claims. In particular, the independent claims now require that:

each independent decoding segment has an associated time duration; and
and that the encoded signals are delayed by this associated time duration.

Applicants respectfully submit that none of these requirements are described, or suggested, in *Matsushima*. Nowhere does it appear that *Matsushima* describes independent decoding segments – let alone setting the delay in accordance with the associated time duration of the independent decoding sections.

Indeed, even if for the sake of argument only, it could be argued that *Matsushima* inherently uses independent decoding segments the fact remains that *Matsushima* does not care about, or describe, independent decoding segments. Further,

Matsushima does not care about, or describe, the associated time duration of an independent decoding segment and, therefore, *Matsushima* does not describe, or suggest, that encoded signals are delayed by this associated time duration as required by Applicants' independent claims.

In view of the above, Applicants' independent claims 56, 65 and 73 are not anticipated by *Matsushima*. As such, dependent claims 67-64, 66-72 and 74-80 are also in condition for allowance.

Claims 6-8, 13-16, 22-23, 27-30, 37-39, 42, 49-52 and 54-35 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of U.S. Patent Publication 2002/0181581 published December 5, 2002 to Birru et al. (*Birru*). With respect to the new dependent claims, Applicants respectfully disagree for the reasons described above with respect to independent claims 56, 65 and 73.

Claims 9-10, 24 and 40 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of *Birru* and further in view of U.S. Patent No. 6,646,578 issued November 11, 2003 to Au. With respect to the new dependent claims, Applicants respectfully disagree for the reasons described above with respect to independent claims 56, 65 and 73.

Claim 25 has been rejected under 35 U.S.C. §103(a) as being unpatentable over *Matsushima* in view of U.S. Patent No. 6,700,624 issued March 2, 2004 to Yun. With respect to the new dependent claims, Applicants respectfully disagree for the reasons described above with respect to independent claims 56, 65 and 73.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone Applicants' attorney in order to overcome any additional objections that the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 07-0832 therefor.

Respectfully submitted
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